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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR10-185-MJP
10 v.)
11 STEVEN MARTIN,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13 _____)

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on December 13, 2011. The United States was represented by AUSA Justin Arnold and the
16 defendant by Michael Filipovic for Chris Kerkerling. The proceedings were digitally recorded.

17 Defendant had been sentenced in the District of Oregon on or about December 22, 2004
18 by the Honorable Anna J. Brown on charges of Conspiracy to Distribute Marijuana and Money
19 Laundering, and sentenced to seventy months custody on each count, to be served concurrently,
20 five years supervised release. The case was transferred to this District on June 21, 2010 (Dkt. 3
21 at 2.)

22 The conditions of supervised release included the standard conditions.

01 On January 14, 2011, defendant's probation officer reported that he had violated the
02 conditions of supervision by committing the crime of driving under the influence in 2009 and
03 2010, and by failing to notify his probation officer within 72 hours of contact with law
04 enforcement. Since the cases were ongoing and defendant was maintaining contact with his
05 probation officer, the only action taken at the time was to refer defendant to treatment and the
06 Moral Reconation Therapy program. (Dkt. 4.)

07 On July 29, 2011, defendant was found to have violated the conditions of supervised
08 release by committing the crime of driving under the influence, failing to notify his probation
09 officer within 72 hours of being arrested, failing to report as directed and failing to report a
10 change in residence. Defendant was sentenced to 90 days in custody, 24 months supervised
11 release. (Dkt. 15.) Additional conditions included the requirement that defendant participate
12 in drug treatment, abstain from alcohol, submit to search, participate in a mental health
13 program, reside in and successfully complete a residential reentry center program for up to 180
14 days, provide his probation officer with financial information upon request, and be prohibited
15 from incurring new credit charged or opening new lines of credit without permission. (*Id.* at
16 5.)

17 On September 30, 2011, defendant was found to have violated the conditions of
18 supervised release by failing to satisfactorily complete a residential reentry center program.
19 (Dkt. 25.) He was sentenced to time served, to remain in custody until transferred to a
20 residential reentry center for 150 days, plus 24 months supervised release.

21 In an application dated (Dkt. 26, 27), U.S. Probation Officer Felix Calvillo, Jr. alleged
22 the following violations of the conditions of supervised release:

01 1. Failing to report to the probation office within 72 hours of release from custody
02 in violation of the general condition of supervision.

03 2. Failing to report to the probation office on November 30, 2011, as instructed in
04 violation of standard condition #3.

05 Defendant was advised in full as to those charges and as to his constitutional rights.

06 Defendant admitted the violations and waived any evidentiary hearing as to whether
07 they occurred.

08 I therefore recommend the Court find defendant violated his supervised release as
09 alleged in violations 1 and 2, and that the Court conduct a hearing limited to the issue of
10 disposition. The next hearing will be set before Judge Pechman.

11 Pending a final determination by the Court, defendant has been detained.

12 DATED this 13th day of December, 2011.

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15 Mary Alice Theiler
16 United States Magistrate Judge

17 cc: District Judge: Honorable Marsha J. Pechman
18 AUSA: Justin Arnold
19 Defendant's attorney: Michael Filipovic, Chris Kerkering
20 Probation officer: Felix Calvillo, Jr.
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